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*Member of FL, NY, DC, & OH Bars

July 3, 2018

VIA EMAIL

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, D.C. 20463

Re: MUR No. 7404, Pierre Q. Pullins

Dear Sir or Madam:

I am legal counsel to Respondent Radio One of Indiana, L.P., which owns and operates radio stations WTLC-FM, WTLC-AM, WHHH-FM, and WNOW-FM in the Indianapolis, Indiana radio market. Urban One, Inc. ("Urban One") is the general partner of Radio One of Indiana, L.P., hereinafter referred to as "Radio One" or "Company."

The Company hereby responds to the complaint of Pierre Q. Pullins that Radio One conspired with U.S. Representative André Carson, the Indianapolis Recorder, and the Indianapolis Star to suppress and injure Mr. Pullins' congressional campaign and message. Mr. Pullins lost the May 8, 2018 Democratic primary to Rep. Carson, the incumbent since 2008, who garnered 37,662 votes (88% of the total votes cast) compared to Mr. Pullins' 226 votes (0.5% of the total votes cast).

There is no basis whatsoever for Mr. Pullins' allegation of a conspiracy among Radio One, Rep. Carson, and two local newspapers that, in fact, are media competitors of Radio One. Mr. Pullins offers no evidence to support his complaint and relies entirely on wild speculation. The gist of Mr. Pullins' complaint appears to be that Radio One did not invite him to be interviewed on its local news and community affairs program, *Community Connection*, which airs on WTLC-



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Federal Election Commission
July 3, 2018
Page 2

AM weekdays, Monday through Friday, from 1:00P to 3:00P. The show is hosted by Terri D, who also serves as Executive Producer of the show.

Community Connection is a regularly scheduled program whose content is controlled by Radio One. Radio One selects candidates to appear on the program based on its judgment and discretion as to the newsworthiness of the appearance, and not for political purposes.

Typically, if a candidate for public office is interested in appearing on *Community Connection* or another Radio One community affairs program, he or she contacts the show's producers and requests an appearance. Email addresses and telephone numbers for staff are regularly broadcast so that listeners and others may submit appearance requests as well as provide suggestions, criticisms, and other feedback. The show's producers also contact candidates and request their appearance on a show to discuss items that are newsworthy or otherwise of interest to the station's listeners.

During the cycle leading up to the primary election held on May 8, 2018, Radio One broadcast appearances of a number of candidates for the 7th congressional district office, including Rep. Carson and his opponents Sue Spicer, Curtis Godfrey, and Bob Kern. These candidates requested appearances on Radio One programs. Mr. Pullins, however, did not contact the show's producers to request an appearance on *Community Connection*. Company records reflect that on April 18, 2018, Mr. Pullins sent an email at 5:25P to Deon Levingston, Regional Vice President and General Manager of Radio One, with the subject line "Censorship of candidates running against Congressman Andre Carson." It was not apparent from the subject line or the initial paragraphs of the email that Mr. Pullins wished to appear on any Radio One program, but rather, on its face, the email appeared to be a complaint about alleged censorship.

On May 9, 2018, the day after the Democratic primary in which Mr. Pullins received 226 votes out of 42,816 total votes, Mr. Pullins sent another email to Deon Levingston with the subject line "Why wasn't I, Pierre Quincy Pullins, given an opportunity to be interviewed on AM 1310 the Community Connection with Terri Dee" [sic]. Mr. Levingston immediately responded to Mr. Pullins' email stating that several candidates for the 7th congressional district office had appeared on *Community Connection* and that he was not the one who schedules interviews for the show.

The next day, May 10, 2018, Mr. Pullins contacted Terri D on Facebook and asked why he had not been scheduled for the show. He complained that even Bob Kern, whom he described as a felon, had appeared on the show. On May 12, 2018, at 5:14P, Terri D responded to Mr. Pullins' query and reminded Mr. Pullins that he had never contacted her or the show's other producer about appearing on the show.

Radio One did not conspire or coordinate in any manner with Rep. Carson and his campaign, the Indianapolis Recorder, and the Indianapolis Star in connection with any of its coverage of the 7th congressional district election or otherwise. Mr. Pullins did not appear on

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Federal Election Commission
July 3, 2018
Page 3

Radio One's on *Community Connection* because he did not follow procedures for clearly requesting an appearance on the program.

There also is no merit to Mr. Pullins' other unsubstantiated allegations regarding Terri D's supposed connection to Shannon Williams, the former President and General Manager of the Indianapolis Recorder. While Terri D is professionally acquainted with Ms. Williams, Terri D reports that she has had no interactions with Ms. Williams for approximately 10 years and has no idea where, if at all, Ms. Williams attends church.¹

Enclosed in support of the Company's response is the sworn declaration of Theodore Turner, Operations Manager of Radio One (attached as Exhibit A hereto).

For all of the reasons described herein and in the attached documentation, the Company respectfully requests that the Commission dismiss Mr. Pullins' complaint in its entirety.

Please feel free to contact me directly with any questions or concerns.

Nothing set forth in this correspondence should be construed as a waiver of any rights of Radio One, whether or not set forth herein, and each of which is expressly reserved.

Sincerely,

Sundria R. Ridgley

Attachment

¹ Terri D also has no recollection of previously banning Mr. Pullins from her talk show in 2008, but states that she generally has a policy of excluding any listeners from participating on her programs if their statements are profane, vulgar, or involve irrelevant personal attacks on others.

EXHIBIT A

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DECLARATION OF THEODORE TURNER

THEODORE TURNER, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury:

1. I am the Operations Manager of Radio One of Indiana, L.P., which owns and operates radio stations WHHH-FM, WNOW-FM, WTLC-FM, and WTLC-AM in the Indianapolis, Indiana radio market. Urban One, Inc. ("Urban One") is the general partner of Radio One of Indiana, L.P., hereinafter referred to as "Radio One." Radio One's offices and studios are located at 21 East St. Joseph Street, Indianapolis, Indiana.
2. I make this declaration upon my personal knowledge, information, and belief as well as business records of Urban One that are maintained in the ordinary course of business.
3. I have been an employee of an Urban One-affiliated company since November 26, 2000 and assumed my current position as Operations Manager of Radio One in August 2017. As Operations Manager, among other things, I direct and oversee programming and programming procedures for each of Radio One's radio stations in the Indianapolis market.
4. There is no merit to the allegations of Pierre Q. Pullins that Radio One conspired with Congressman André Carson, the U.S. Representative for Indiana's 7th congressional district since 2008, and local newspapers the Indianapolis Recorder and the Indianapolis Star to suppress and injure Mr. Pullins' congressional campaign.
5. *Community Connection* is a bona fide news interview and community affairs program that airs on Radio One's WTLC-AM weekdays, Monday through Friday, from 1:00P to 3:00P. The show is hosted by Terri D, who also serves as Executive Producer of the show.
6. *Community Connection* is a regularly scheduled program whose content is controlled by Radio One. Radio One selects candidates for inclusion on the program based on its judgment and discretion as to the newsworthiness of the appearance, and not for political purposes. As such, appearances on *Community Connection* by legally qualified candidates for public office do not give rise to equal opportunities, often referred to as the "equal time" rule.
7. Typically, if a candidate for public office is interested in appearing on *Community Connection* or another Radio One community affairs program, he or she should contact the show's producers and request an appearance. Email addresses and telephone numbers for staff are regularly broadcast so that listeners and others may submit appearance requests as well as provide suggestions, criticisms, and other feedback. The show's producers also will contact candidates and request their appearance on a show to discuss a newsworthy issue or matter of interest.
8. During the cycle leading up to the primary election held on May 8, 2018, Radio One broadcast appearances of a number of candidates for the 7th congressional district office.

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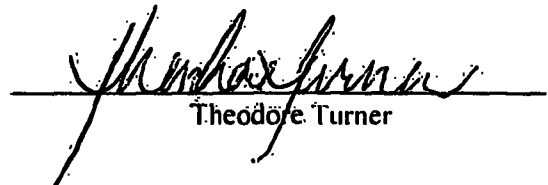


including Representative Carson and his opponents Sue Spicer, Curtis Godfrey, and Bob Kern.

9. Unlike the other candidates, Mr. Pullins did not contact the show's producers to request an appearance on *Community Connection*. Our records reflect that on April 18, 2018, Mr. Pullins sent an email at 5:25P to Deon Levingston, Regional Vice President and General Manager of Radio One, with the subject line "Censorship of candidates running against Congressman Andre Carson." It was not apparent from the subject line or the initial paragraphs of the email that Mr. Pullins wished to appear on any Radio One program, but rather, on its face, the email appeared to be a complaint about alleged censorship.
10. On May 9, 2018, the day after the Democratic primary in which Mr. Pullins received 226 votes out of 42,816 total votes, Mr. Pullins sent another email to Deon Levingston with the subject line "Why wasn't I, Pierre Quincy Pullins, given an opportunity to be interviewed on AM 1310 the Community Connection with Terri Dce" [sic]. Mr. Levingston immediately responded to Mr. Pullins' email stating that several candidates for the 7th congressional district office had appeared on *Community Connection* and that he was not the one who schedules interviews for the show.
11. The next day, May 10, 2018, Mr. Pullins contacted Terri D on Facebook and asked why he had not been scheduled for the show. He complained that even Bob Kern, whom he described as a felon, had appeared on the show. On May 12, 2018, at 5:14P, Terri D responded to Mr. Pullins' query and reminded Mr. Pullins that he had never contacted her or the show's other producer about appearing on the show.
12. Radio One did not conspire or coordinate in any manner with Representative Carson and his campaign, the Indianapolis Recorder, and the Indianapolis Star in connection with any of its coverage of the 7th congressional district election or otherwise. The Indianapolis Recorder and the Indianapolis Star are media competitors of Radio One.

I hereby declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Indianapolis, Indiana on this 3rd day of July, 2018.


Theodore Turner